### **Court Minutes**

## November 23, 2009

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Sims, Associate Justice; and Haskett, bailiff.

## C056083 In re DAVID EARL GRAY on Habeas Corpus. THE PEOPLE v. DAVID EARL GRAY

Cause called. Scott Concklin, court appointed counsel, argued for appellant. Catherine B. Chatman, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:54 a.m., the court recessed. At 9:56 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

## C060498 In re RANDY LEDBETTER on Habeas Corpus.

Cause called. Pamela B. Hooley, Deputy Attorney General, argued for appellant. Ronald A. Reed argued for respondent. Cause submitted.

At 10:26 a.m., the court recessed. At 10:28 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

# C059733 GRANT JOINT UNION HIGH SCHOOL DISTRICT et al. v. SACARAMENTO COUNTY OFFICE OF EDUCATION et al.

Cause called. Rebecca A. Lefler argued for appellants. Gregory L. McCoy argued for respondents Grant Joint Union High School District et al.. Timothy M. Cary argued for respondents Joan Polster et al.. Cause submitted.

At 10:54 a.m., the court recessed. At 10:56 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

## C059088 ALLEN, as Trustee, etc. v. FULTON

Cause called. Jeffrey D. Fulton argued for appellant. Rollie A. Peterson argued for respondent. Cause submitted.

At 11:22 a.m., the court recessed. At 11:23 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

### **Court Minutes**

### November 23, 2009, Continued

## C058944 MARTIN BROTHERS CONSTRUCTION, INC. v. THOMPSON PACIFIC CONSTRUCTION, INC., et al.

Cause called. Anthony T. Caso argued for appellant. William L. Jacobson argued for respondent. Cause submitted.

At 11:46 a.m., the court recessed until 9:30 a.m., Monday, December 14, 2009.

## C059872 THE PEOPLE v.

(Certified For Partial Publication)

**GREGORY FRED ZIELESCH** 

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Robie, J.

### C060280 THE PEOPLE v. TONY FREITAS

(Certified For Publication)

The probation order is modified to state as probation conditions that defendant "not knowingly possess property he knows is stolen" and "not knowingly own, possess or have custody or control of any firearms or ammunition." The trial court is directed to forward a certified copy of the probation order to the probation authorities. As so modified, the judgment (order) is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.

Robie, J.

#### C058435 TAYLOR v. BROWN et al.

(Not For Publication)

(Not For Publication)

The amended judgment is affirmed. Each side shall bear its own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (3), (5).)

BUTZ, J.

We Concur: Scotland, P.J.

Sims, J.

# C061131 In re A.T. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES

COUNTY HUMAN SERVICE
AGENCY v. A.T.

The orders terminating parental rights are reversed and the matter is remanded for the limited purpose of determining whether the agency complied with the notice provisions of the ICWA and whether the ICWA applies in this case. ...

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

## **Court Minutes**

## November 23, 2009, Continued

C061432 In re A.E.; BUTTE COUNTY (Not For Publication)

**DEPARTMENT OF EMPLOYMENT** AND SOCIAL SERVICES v. J.S.

The orders of the juvenile court are affirmed.

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P.J.

Butz, J.

C054250 THE PEOPLE v. (Certified For Publication)

JOSHUA DANIEL TUGGLES et al.

THE COURT:

It is ordered that the opinion filed herein on October 29, 2009, be modified...

This modification does not change the judgment.

The petition for rehearing is denied.

SIMS, Acting P.J.

Robie, J.

Butz, J.

## November 24, 2009

#### C058106 THE PEOPLE v. DAMAN RAHAL

(Not For Publication)

The matter is remanded to the Yolo County Superior Court with directions to determine defendant's presentence custody credits, to make a record capable of review, to prepare an amended abstract of judgment including the presentence custody determination, and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

RAYE, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

#### C058746 THE PEOPLE v.

**ROSELINE S. GOVIND** 

(Not For Publication)

The judgment is affirmed.

RAYE, J.

Scotland, P.J. We Concur:

Hull, J.

## **Court Minutes**

## November 24, 2009, Continued

C058986 THE PEOPLE v. (Not For Publication)

MARIO HELIODORO LOZANO

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

C059224 THE PEOPLE v. (Not For Publication)

JIMMIE DALE HARMON

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Hull, J.

C059703 THE PEOPLE v. HARRISON SCOTT (Certified For Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C061191 THE PEOPLE v. (Not For Publication)

**MARVA VAN GILDER** 

The judgment is affirmed.

RAYE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

C059322 RAINBOW FARMS et al. v. (Not For Publication)

NATOMAS CENTRAL MUTUAL

WATER CO.

The judgment and amended judgment are affirmed. Natomas Central Mutual Water Co. shall recover its costs on appeal. (Cal. Rules of Court, rule

8.278 (a) (1) & (2) . ) SIMS, Acting P.J.

We Concur: Hull, J.

Cantil-Sakauye, J.

## **Court Minutes**

## November 24, 2009, Continued

C059875 MILLENIUM ROCK MORTGAGE, INC. v. T.D. SERVICE COMPANY

(Certified For Publication)

The order granting the preliminary injunction is reversed with directions to enter a new order denying the injunction. Appellant TDS is awarded its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1), (3).)

BUTZ, J.

We Concur: Sims, Acting P.J.

Hull, J.

## November 25, 2009

There are no minutes for this date.

November 26, 2009

There are no minutes for this date.

## November 27, 2009

There are no minutes for this date.